

UNITED STATES OF AMERICA, :  
v. : Case No. 2:06-cr-237-KRG-KAP  
CHRISTOPHER FEKOS, : (Case No. 2:13-cv-1094-KRG-KAP)  
Movant :

Movant Christopher Fekos filed a Motion for De Novo Review at docket no. 154 that was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(3), and Local Civil Rule 72.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Movant filed timely objections, docket no. 161, that supplement the merits of the petition but do not address the jurisdictional issue.

After de novo review of the record, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 17<sup>th</sup> day of March, 2016, it is

ORDERED that the Motion for De Novo Review at docket no. 154 is dismissed without prejudice to applying in the Court of Appeals for authorization to file a second or successive motion to vacate. The government's motion to dismiss at docket no. 155 is denied as moot. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF